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APPLICATION NO FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO CONFIRMATION NO

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STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W., SUITE 600 WASHINGTON, DC 20005-3934

EXAMINER

NGUYEN, KHIEM D

ART UNIT PAPER NUMBER

2823

DATE MAILED: 03-14-2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner			Application No.	Ar	oplicant(s)	11/	
Notice   National Polymen   2823   Provided for Reply	Office Action Summary		09/753,664	TS	SAU, LIMING		
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Editancian Gine may be available used the specimes of 3 CRR 113(a). In or event, however, may a ripply to binely find in the same of the reply to specified above the the state of 3 CRR 113(a). In or event, however, may a ripply to binely find in the same of the reply specified above is less than binty (00 days, we reply within the state reply to binely find in the same of the reply specified above is less than binty (00 days, we have prevent on the specification to become ASMADONE) (28 U.S.C. § 135).  INDICATION of the specified above is less than binty (00 days, we have prevented previously and the same of the specified previously reply within the state of the specified previously reply within the state of the specified previously find any readers are specified previously reply within the same of the specified previously find any readers are specified previously reply within the same days and will be considered timely.  INDICATION of the specified and the specified previously reply and will be specified to reply find any readers are specified previously reply within the same of the specified previously reply and will be specified previously reply and will be specified previously reply and will be specified by the specified previously reply and will be specified by the specified previously reply and will be specified by the specified previously reply and will be specified by the specified previously reply and the specified previously r			Examiner	Ar	t Unit		
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2a)  This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213  Disposition of Claims  4) Claim(s) 1-18 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-18 is/are allowed.  6) Claim(s) 1-18 is/are allowed.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filled on 21 September 2001 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1 85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17 2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 129 (a) to a provisional application)  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>						
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## **DETAILED ACTION**

The non-final rejection as set forth in paper No. (11) is withdrawn in response to applicants' amendments.

A new rejection is made as set forth in this Office Action.

Claims (1-18) are pending in the application.

# Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ma et al. (U.S. Patent 6,329,234).

Ma et al. disclose a metal-insulator-metal (MIM) capacitor process, comprising (FIGS. 1-11 and related text):

forming a first metal layer 16 on a substrate 10, wherein a portion of the first metal layer is utilized as the lower plate of the MIM capacitor and wherein the first metal layer is polishing by chemical-mechanical polishing (col. 6, lines 23-47);

forming an etch stop layer 61 on the substrate and the first metal layer, wherein a portion of an etch step layer is utilized as the insulator for the MIM capacitor and wherein the stop layer includes a silicon nitride (col. 7, lines 19-29); and

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forming a second metal layer 90 on the substrate and portion of an etch stop layer, wherein a portion of the second metal layer is utilized as the upper plate of the MIM capacitor and wherein the second metal layer is polished by chemical-mechanical polishing (col. 8, lines 6-38);

wherein the first and second metal layers includes copper or a copper alloy. (col. 6, line 41 and col. 8, line 10).

### Allowable Subject Matter

Claims 1-14 are allowed.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khiem D Nguyen whose telephone number is (703) 306-0210. The examiner can normally be reached on Monday-Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chaudhuri Olik can be reached on (703) 306-2794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9179 for regular communications and (703) 746-9179 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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K.N.

March 7, 2003

George Fourson
Primary Examiner

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